

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

CELLULAR COMMUNICATIONS  
EQUIPMENT LLC,

Plaintiff,

v.

KYOCERA CORPORATION, et al.,

Defendants.

Civil Action No. 6:15-cv-00049

JURY TRIAL DEMANDED

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**STIPULATION OF DISMISSAL WITHOUT PREJUDICE AS TO DEFENDANTS  
KYOCERA CORPORATION AND KYOCERA INTERNATIONAL, INC.**

Plaintiff Cellular Communications Equipment LLC (“CCE”) and Defendants Kyocera Corporation, Kyocera International, Inc., and Kyocera Communications, Inc. submit the following Stipulation of Dismissal Without Prejudice as to Defendants Kyocera Corporation and Kyocera International, Inc. and in support thereof state:

1. On January 15, 2015, Plaintiff CCE filed suit against Kyocera Corporation, Kyocera International, Inc., and Kyocera Communications, Inc., and others for infringement of U.S. Patent No. 8,385,966 and U.S. Patent No. 8,868,060.
2. Kyocera Corporation and Kyocera International, Inc. represent and warrant that:
  - a. Kyocera Corporation and Kyocera International, Inc. are each holding companies which do not engage in activities under the Patent Act, 35 U.S.C. §§ 1-376, in the United States. Furthermore, Kyocera Corporation and Kyocera International, Inc. do not instruct, direct, or control the activities of its subsidiaries (or any other entity) relative to (i) the operation or design of any cellular telephone communications network; or (ii) the operation or design of wireless device features and functionality.

b. Kyocera Corporation, Kyocera International, Inc., and Kyocera Communications, Inc. agree that for purposes of discovery in this case, documents and information in the possession, custody, or control of Kyocera Corporation or Kyocera International, Inc., or any of their respective subsidiaries, are deemed also to be in the possession, custody, and control of Kyocera Communications, Inc. Kyocera Communications, Inc. will not object to a request for deposition on the grounds that the prospective deponent is an employee of Kyocera Corporation or Kyocera International, Inc., or any of their respective subsidiaries (though nothing in this stipulation prevents Kyocera Communications, Inc. from objecting to a deposition on other grounds).

c. Kyocera Communications, Inc. is the proper party to defend against allegations made in this patent infringement lawsuit. Furthermore, Kyocera Communications, Inc. or any assignee of Kyocera Communications, Inc. is able to satisfy any judgment in this patent infringement lawsuit against it. Kyocera Corporation, Kyocera International, Inc., and Kyocera Communications, Inc. each warrant and represent that they will not take any action that will cause Kyocera Communications, Inc. to be unable to fully satisfy any such judgment.

3. CCE expressly does not stipulate or agree to any of the foregoing facts, and reserves its right to dispute any of the foregoing factual representations with evidence to the contrary.

4. In reliance upon the representations and warranties made in paragraphs 2(a) – 2(c) above, CCE agrees to dismiss Kyocera Corporation and Kyocera International, Inc. without prejudice as allowed under Rule 41(a)(2) of the Federal Rules of Civil Procedure.

5. CCE has not released, and nothing in this Stipulation should be construed as a release or discharge of, any claim CCE has or may have in the future against any defendant named in this action or any other asserted infringer of the patents-in- suit. All other rights have been expressly

reserved.

Accordingly, CCE, Kyocera Corporation, and Kyocera International, Inc. request that the Court enter the attached order dismissing Kyocera Corporation and Kyocera International, Inc. without prejudice.

**Dated:** March 23, 2015

Respectfully submitted,

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**COUNSEL FOR DEFENDANT KYOCERA  
COMMUNICATIONS, INC., AND  
SPECIALLY APPEARING FOR  
DEFENDANTS KYOCERA CORPORATION  
AND KYOCERA INTERNATIONAL, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on this 23rd day of March, 2015. As of this date all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Edward R. Nelson III  
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